

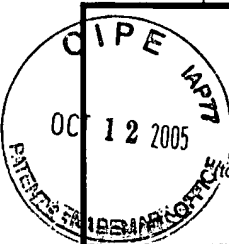
Please type a plus (+) sign inside this box ☐

PTO/SB/21 REV 1 (12/97)

Approved for use through 09/30/2000. omb 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/749,729
Filing Date	December 30, 2003
First Named Inventor	Jeffrey A. Humber
Group Art Unit	3751
Examiner Name	Unknown
Attorney Docket Number	1896-059

Total Number of Pages in This Submission	7
--	---

## ENCLOSURES (check all that apply)

- ☐ Fee Transmittal Form
- ☐ Fee Attached
- ☒ Amendment/Response
- ☐ After Final
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Response to Missing Parts/Incomplete Application
- ☐ Response to Missing Parts Under 37 CFR 1.52 or 1.53

- ☐ Assignment Papers (for an Application)
- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition Checklist and Accompanying Petition
- ☐ To Convert a Provisional Application
- ☐ Power of Attorney, Revocation Change of Correspondence Address
- ☐ Terminal Disclaimer

- ☐ After Allowance Communication to Group
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
- ☐ Proprietary Information
- ☐ Status Letter
- ☒ Additional Enclosure(s) (please identify below):

POSTCARD

## Remarks:

Transmitted herewith are: Request for Reconsideration Under 37 CFR §1.111 in response to the third Office Action mailed September 22, 2005; and a prepaid Return Postcard. No additional fee is required at this time.

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual Name

(Atty) Michael H. Jester  
Reg. No. 28,022  
A Professional Law Corporation

Signature

*Michael H. Jester*

Date

October 7, 2005

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail (postage pre-paid) in an envelope addressed to: MS - AMENDMENT - NO FEE, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on this date:

October 7, 2005

Typed or printed name

Michael H. Jester

Signature

*Michael H. Jester*

Date

10-7-05



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent application of: )  
)  
Jeffry A. Humber ) Confirmation No.: 9048  
)  
Serial No.: 10/0749,729 ) Group Art Unit: 3751  
)  
Filed: December 30, 2003 ) Examiner: Charles E. Phillips  
)  
For: *Closet Flange with Knock out* )  
*Retainer* )

**REQUEST FOR RECONSIDERATION UNDER 37 CFR §1.111**

MS - AMENDMENT - NO FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

In response to the third, non-final Office Action mailed September 22, 2005, please reconsider the patentability of the pending claims based on the following remarks.

In the third Office Action, Claims 1-4, 6-9, 11-12 and 14-18 were rejected for alleged obviousness over Fell, Sr. in view of Pisklula. Because of the amendments to independent Claim 20, the examiner advised that Claim 20 stands as withdrawn from consideration as being directed to a non-elected invention. Claims 11-12 and 14-19 were rejected under 35 USC §112, first paragraph, for allegedly failing to comply with the written description requirement.

The examiner cites Fig. 3 of Fell, Sr., and alleges that it would have been obvious in light of Piskula "to provide for the knockout of the former (Fell, Sr.) to be located and sized as taught by the latter (Piskula) in order to prevent entry into the pipe." This obviousness rejection is respectfully traversed.